



Barbara A. Lee
Director

Department of Toxic Substances Control



Edmund G. Brown Jr.
Governor

RETAIL WASTE WORKING GROUP (RWWG) STEERING COMMITTEE

MEETING MINUTES

February 3, 2017

10:00 AM – 12:00 PM

CalEPA Building, Conference Room 550 (Telephone Conference 877-671-9503)

Steering Committee Members Present (22) : **Angie Manetti** – California Retailers Assn; **Greg Blount, Angela Levin** - CVS Drug Stores; **Myron Eng, Wendy Brant, Richard Leahy** – Walmart; **Michael Steel** - Ralph's; **Keri Askew-Bailey** - CA Grocers Assn; **Kristen Power** – Consumer Specialty Products Assn.; **Terri Thomas** – Consumer Healthcare Products Assn.; **Tom Myers, Ian Davis, Holly Fraumeni** – Personal Care Products Council; **Kristen Alstad, Scott Reisch** - Inmar; **Gavin Pendleton** - Costco; **Neena Sahasrabudhe, Mathew Evans, Megan Cambridge, Rick Brausch, Jay Cross**– Department of Toxic Substances Control (DTSC); **Ron Pilorin, Tommy Asoo** – California Department of Public Health; **Nicholas Oliver** – Cal Recycle; **Drew Lausch, Brian Knieser** – US EPA; **Ed Ochoa** – Attorney General; **David Irely** – Yolo County DA's Office; **William Fallon** – Orange County District Attorney's Office; **Heather Tanner** – CUPA Sacramento County; **Michelle D, Henry** – CUPA San Joaquin County; **Larry Sweetser** – Rural Counties Environmental Services Representative; **Britni Adkins** – Operation Blessing Intl; **Andria Ventura** – Clean Water Action; **Heidi Sanborn** – CPSC; **Renee Wasserman, Charles Abbott**- Walgreen

Meeting Minutes of January 20, 2017 - Neena Sahasrabudhe, DTSC's Research and Policy Development Unit, Hazardous Waste Management Program (HWMP), presented the January 20, 2017, RWWG Steering Committee meeting minutes. The following changes were suggested to be made:

- Move a sentence regarding labeling of dietary supplements and waste types identified under the topic of *Recycling* to the topic of *Supplements/Products with Drug Facts*.
- Under the topic of Donations, change the wording that there "is a concern that some products may be used as a means of sham donation."

The meeting minutes, when finalized, will be posted to DTSC's webpage.

Opening Remarks - Megan Cambridge, Supervisor, DTSC's Research and Policy Development Unit of the HWMP, opened the meeting. She introduced Angie Manetti, who represents the California Retailers Association, who offered the comment that

waste minimization is a goal of the committee and wants the conversations to be within that context.

Rick Brausch, Division Chief, Policy and Program Support Division, concurs the goal of waste minimization is important. However, it is not the only goal, and as a regulatory agency, our responsibility is to ensure the application of the hazardous waste laws and regulations, which serves a vital role in protecting public health and the environment. Further, he stated that waste management regulations may have unintended consequences in the retail waste system. Some regulatory definitions can compete with other goals. We want to be sure that we understand the conflicts and look at how to balance other beneficial public policy goals, such as controlled recalls. DTSC also recognizes that limited information available to retailers may result in over-characterization (i.e., unnecessarily identifying products as waste, or classifying nonhazardous wastes as hazardous wastes). This can result in increased costs associated with hazardous waste management, and unnecessary disposal in hazardous waste landfills. When identifying the goals and objectives, it is our hope that the groups identify these types of conflicts between competing policy goals.

Discussion Topic - Donation:

Michael Steel suggested we test these goals and focus the meeting on the topic of Donations. The goal of the meetings is to find resolution to complex issues, with an added benefit of implementing policy focused on waste minimization. Retailers are looking for a method to donate intact, usable, unadulterated unsalable product to organizations. They would like the option of reverse distributing the products and not be subject to the requirements of identifying it as a waste simply for not being resold as a product. He used the example of shampoos; when the product is not selling and needs to find a home, this can be managed through a reverse distribution process. However, he would like to see flexibility in the system to find a new home and build in safeguards to make sure it is correctly done.

Discussion Highlights:

- Some retailers use direct donations and do not need to use a separate reverse distribution service. Those retailers, who do have access to direct donation, pay reverse distributors to accept the products and find a place for donation. Sometimes there is no home for the products and will need to dispose of as a waste. The challenge is when the product is no longer sellable, there is uncertainty that the product may become a waste, which creates a chilling effect in making a decision on what to do with the product.
- With the concern over where is the point of waste generation, there is the potential that when the product was transferred to the reverse distribution center, and the product was later determined to be a hazardous waste, the act of the transportation may have been considered unauthorized. Some retailers take a conservative approach by disposing products as a waste at store level, which would not achieve the goal of waste minimization.

- The discussion led to a concurrence that with safeguards in place at reverse distribution centers, and if the products are intact and safe, the product should be able to be donated without the fear of being identified as a waste.
- The team discussed the “facts” known at the time of wanting to send the product for reuse and/or donation; the product would not be considered a hazardous waste. However, there is the problem when the retailer looks at the product and decides it is not selling, there is uncertainty as to whether this may trigger the hazardous waste rules even though it may still be a product that otherwise could have been donated.
- Another discussion looked at other pathways including re-containerizing the product (i.e.: surfactants) from a broken container, which may still be donated.
- When donating the product, there was a discussion on the value of tracking or tracing the product.

Summary of Discussion and Action Items

The Steering Committee agreed products that are not saleable but are intact, usable, and unadulterated should be able to be donated without being considered a waste. The committee members agreed at the next meeting they would discuss the conditions that are acceptable for donations. One of the committee members is preparing a document with the goal of getting consensus.

Based on this discussion surrounding the topic of *Donation*, other sub-groups will refine their problem statements for future discussions.

Review Schedule and Adjourn Meeting End

Post-Meeting Action Items

Action Item	Assigned To	Due Date
Distribute agenda for February 23 meeting	DTSC – HWMP	February 17, 2017
Distribute minutes to the February 3 meeting	DTSC – HWMP	February 20, 2017
‘Recall’ - Proposed subtopic of next discussion	All	February 24, 2017